

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

UNITED STATES OF AMERICA,

v.

HENRY MICKLEONARD MCGEE,

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CR 109-035

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O R D E R

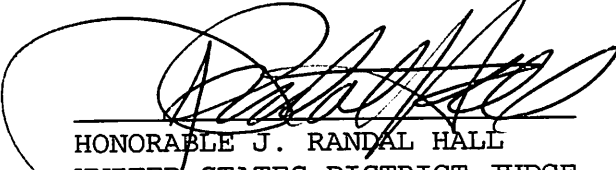
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Presently pending before the Court is Defendant's motion for relief from judgment pursuant to Federal Rule of Civil Procedure 60(b)(1). (Doc. no. 179.) Defendant seeks relief from this Court's March 27, 2014 Order denying Defendant's 28 U.S.C. § 2255 petition because the Order did not address Defendant's objections to the Magistrate Judge's Report and Recommendation. (Id. at 1.) However, on April 3, 2014, the Court, out of an abundance of caution, entered an Order vacating the March 27, 2014 Order and addressing Defendant's untimely objections. The Court held:

None of Petitioner's objections provide any reason to depart from the conclusions in the R&R. As a result, Petitioner's objections are **OVERRULED**. Accordingly, the R&R of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Petitioner's § 2255 motion is **DENIED** without an evidentiary hearing.

(Doc. no. 177 at 2.) (emphasis in original). Because the Court conducted a de novo review and considered Defendant's written objections, Defendant's motion (doc. no. 179) is **DENIED AS MOOT**.

**ORDER ENTERED** at Augusta, Georgia, this 29<sup>th</sup> day of August, 2014.

  
HONORABLE J. RANDAL HALL  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA